

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT REGINALD ESTRADA, DNY775,

Petitioner,

v.

SANTA CLARA COUNTY JAIL, et al.,

Respondent.

Case No. [20-cv-04096-CRB](#) (PR)

**ORDER DISMISSING PETITION
FOR A WRIT OF HABEAS CORPUS**

(ECF No. 2)

Petitioner, a pretrial detainee facing state criminal charges in Santa Clara County Superior Court, has filed a petition for a writ of habeas corpus challenging the proceedings against him. He also moves to proceed in forma pauperis (ECF No. 2) which, good cause appearing, is granted.

Petitioner may challenge his pretrial detention on state criminal charges by way of a petition for a writ of habeas corpus under 28 U.S.C. § 2241. But principles of comity and federalism require that this court abstain and not entertain any such pre-sentence habeas challenge unless petitioner shows that: (1) he has exhausted available state judicial remedies, and (2) “special circumstances” warrant federal intervention. Carden v. Montana, 626 F.2d 82, 83-84 (9th Cir. 1980). Only in cases of proven harassment or prosecutions undertaken by state officials in bad faith without hope of obtaining a valid conviction and perhaps in other special circumstances where irreparable injury can be shown is federal injunctive relief against pending state prosecutions appropriate. Id. at 84 (citing Perez v. Ledesma, 401 U.S. 82, 85 (1971)). Petitioner makes no such showing of “special circumstances” warranting federal intervention. See id. The petition accordingly is DISMISSED without prejudice to refile after state criminal proceedings, including appeal, are completed.

IT IS SO ORDERED.

Dated: June 22, 2020



CHARLES R. BREYER
United States District Judge